

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
_____	)	
	)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO THE	)	
AMENDED MASTER CONSOLIDATED	)	Chief Mag. Judge Marianne B. Bowler
CLASS ACTION	)	
_____	)	

**DECLARATION OF AIMEE E. BIERMAN IN SUPPORT OF  
TRACK TWO DEFENDANTS' SECOND MOTION TO RENEW THEIR MOTION TO  
COMPEL (DOCKET ENTRY NO. 2162) DIRECTED TO  
NATIONAL HERITAGE INSURANCE COMPANY IN ITS CAPACITY AS THE  
MEDICARE PART B CARRIER FOR MASSACHUSETTS**

I am an associate in the law firm of Kirkpatrick & Lockhart Nicholson Graham LLP, representing Defendant Aventis Pharmaceuticals Inc. I offer this declaration in support of the Track Two Defendants' Second Motion to Renew Their Motion to Compel (Docket Entry No. 2162) Directed to National Heritage Insurance Company in its Capacity as the Medicare Part B Carrier for Massachusetts.

1. Attached hereto as Exhibit A is a June 13, 2006 letter from Aimée E. Bierman to Benjamin M. Wattenmaker.
2. Attached hereto as Exhibit B is a June 28, 2006 letter from Aimée E. Bierman to Benjamin M. Wattenmaker.

I have not received a response to either of these letters.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 7, 2006

/s/ Aimée E. Bierman  
Aimée E. Bierman

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2006, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Aimée E. Bierman

Aimée E. Bierman